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Committee on the Elimination of Racial Discrimination
Ninety-sixth session

Summary record of the 2655th meeting
Held at the Palais Wilson, Geneva, on Monday, 13 August 2018, at 10 a.m.

Chair: Mr. Amir

Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined fourteenth to seventeenth periodic reports of China (continued)

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The meeting was called to order at 10 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined fourteenth to seventeenth periodic reports of China (*continued*) (CERD/C/CHN/14-17; CERD/C/CHN-HKG/14-17; CERD/C/CHN-MAC/14-17; and CERD/C/CHN/Q/14-17)

1. *At the invitation of the Chair, the delegation of China took places at the Committee table.*

2. **Mr. Xu** Hong (China) said that the delegation would endeavour to answer as many questions as possible in the allotted time but, owing to the large number of questions, some answers might have to be provided in writing. Responding to the question on the implementation of the National Human Rights Action Plan (2016–2020) with regard to the situation of ethnic minorities, he said that good progress had been made. All of the country's 55 ethnic minority groups were represented in the National People's Congress and the Chinese People's Political Consultative Conference; at 14.7 per cent of the Congress and 11 per cent of the Consultative Conference, the participation of minorities in the administration of state affairs was higher than their percentage share of the national population, which was 8.5 per cent. All 155 ethnic autonomous localities were led by officials from ethnic minorities. Economic and social development had been accelerated in ethnic minority areas. By 2017, investment in fixed assets in the eight multi-ethnic provinces had grown 4.6 percentage points more than the national average and the number of poor people had dropped by 3.8 million, with 21 of the 28 poor counties that had successfully eradicated poverty being located in the country's western and ethnic minority areas.

3. There had also been rapid development in the education sphere. Rural students had been exempted from all fees for compulsory education, textbooks were provided free of charge to needy students and public funding had been increased for primary and secondary schools in rural areas. Ethnic minorities' right to use and develop their own languages was effectively protected, with the Government having allocated 200 million yuan for the training of bilingual teachers and 20 million yuan to support the preparation of bilingual learning materials in ethnic minority areas. The protection and promotion of ethnic minority cultures had been fostered through such means as the establishment of research organizations and the inclusion of ethnic minority works in the catalogue of national intangible cultural heritage.

4. The Belt and Road Initiative had opened up ethnic minority areas and was serving as a driver of development there. For instance, the Xinjiang Uighur Autonomous Region had become a corridor for energy resources, a base for coal, oil and gas processing and a transportation and logistics hub; the Inner Mongolia, Guangxi Zhuang and Ningxia Autonomous Regions had similarly benefitted.

5. Rather than establishing a stand-alone human rights institution, China assigned human rights protection responsibilities to different government departments in accordance with their mandates. Supervisory departments oversaw the actions of government agencies and officials and dealt with reports relating to human rights. The State Ethnic Affairs Commission was mainly responsible for protecting and promoting the rights of ethnic minorities.

6. China supported the implementation of the Durban Declaration and Programme of Action and it supported a strong action plan for the International Decade for People of African Descent.

7. The citizens of the Democratic People's Republic of Korea who had entered China illegally had done so for economic reasons and therefore did not qualify as refugees. They had been offered significant humanitarian assistance and had not been exploited or mistreated. In that connection, it should be noted that the establishment of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea had been met with reservation by many States and that the impartiality of the United States Department

of State report may have been affected by the political situation at the time of its publishing.

8. **Ms. Su** Guoxia (China) said that, for historical reasons, the areas with the highest levels of poverty were located mainly in western and central China, which is also where the country's ethnic minorities were concentrated. As poverty data were recorded by region, data disaggregated by ethnicity were not yet available. The Government had announced that it would ensure that no ethnic minority would be left behind. Measures and policies had been adopted to lift ethnic minorities out of poverty, including in the form of additional state funding. Xinjiang, for instance, had received over 1 billion yuan for poverty reduction activities in 2018 alone. The living standards of ethnic minorities had improved rapidly over the previous five years.

9. Poor people were relocated from inhospitable areas for two reasons. First, depopulation of rural areas as a result of industrialization and urbanization made infrastructure improvement and the provision of public services very costly. Second, overgrazing of pastureland had left the environment vulnerable, and relocation of area residents to small towns allowed the ecosystem to recover. Ethnic minority populations were invited to participate in the selecting of sites and the building of their new homes in areas that offered improved infrastructure, good educational and health-care services and career development support.

10. **Mr. Hou** Xiaoguang (China) said that, although there was no legal definition of racial discrimination, the legislature, judiciary and the administration understood and interpreted that term in a way that was consistent with the Convention.

11. In accordance with section 2, article 4, of the Counter-Terrorism Law, the State opposed extremism in all forms, including distorting religious doctrines or other means to incite hatred, discrimination and violence. In its article 6, the Law stipulated that counter-terrorism work should be carried out in accordance with legislation to respect and safeguard human rights. Law enforcement agencies earnestly implemented the national policy on ethnic minorities; strictly enforced laws and regulations; treated individuals from all ethnic groups equally; protected the rights of suspects; worked in a strict, standardized, fair and civilized way; and forbade any discrimination against ethnic minorities.

12. Legislation defining the crime of endangering national security clearly stipulated that those who jeopardized national security would be subject to a criminal investigation. Those involved in religious extremism, terrorist activities or the undermining of ethnic solidarity were also subject to criminal investigation. The Criminal Law set out in detail the crime of endangering national security; the provisions were specific and clear and allowed for no ambiguity.

13. **Ms. Jin** Chunzi (China) said that, regarding complaints of discrimination from ethnic minorities, any victim of criminal behaviour had the right to report the incident to public security bodies, which should take measures to stop the crime and impose punishment or transfer the case to the judiciary for criminal proceedings. A number of local authorities had established community legal aid centres and hotlines for ethnic minorities and some law firms offered legal aid to members of ethnic minorities who had suffered discrimination.

14. There were no unrecognized ethnic minorities in China. The Government had identified 55 minority ethnic groups and fully guaranteed their rights under the Constitution and other legislation. The some 600,000 people who did not have a confirmed ethnic identity under the previous census enjoyed full and equal rights.

15. **Ms. Li** Jian (China) said that the purpose of the legislation on non-governmental organizations (NGOs) and charities was to protect the legitimate rights and interests of all individuals and organizations involved in charity work and to regulate their activity in China. Government bodies had made great efforts to facilitate the activities of foreign NGOs operating in China in accordance with the law.

16. **Ms. Min** Haiyun (China) said that the main countries of origin of non-citizens in China were South Korea, Japan, the Russian Federation, the United States of America, Mongolia, Malaysia, the Philippines, Singapore, India, Canada, Thailand, Australia,

Indonesia, Germany, the United Kingdom, France, Italy, the Lao People's Democratic Republic, North Korea and Kazakhstan. As of July 2018, there were 1.28 million foreigners living in China, of whom around 530,000 were long-term residents.

17. Although a specific law against human trafficking had not yet been developed, many provisions contained in current legislation referred to combating illegal activities involving human trafficking. In addition, the Government had formulated the National Action Plan against Trafficking in Persons (2013–2020), which provided an institutional guarantee for preventing and combating human trafficking. The Criminal Law had been amended in 2015 to remove the provisions stipulating that persons who purchased trafficked women or children may not be held criminally responsible. Recent judicial interpretations had formed a coherent standard on the application of laws, and public security authorities would continue to prosecute all kidnapping and trafficking crimes and work to rescue victims. China had ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and applied it in Macao, China.

18. The authorities had been examining the possibility of formulating domestic legislation on the recognition of refugee status and how to apply for it. The law on entry and exit provided for the issue of certificates of temporary stay to people who applied for refugee status and certificates of residence to those whose applications were approved. According to data from the United Nations High Commissioner for Refugees, as of June 2018 there were 216 refugees and 727 asylum seekers in China. The main countries of origin were Liberia, Somalia, Cameroon, Zimbabwe, the Syrian Arab Republic and Nigeria.

19. **Mr. Gao** Ming (China) said that Chinese law explicitly prohibited discrimination based on ethnicity or religion in the employment sphere. The State Council had implemented a series of employment policies aimed at promoting employment for all workers, including those from ethnic minority groups. Measures had been taken to improve employment services in all areas of the country and to improve access to those services in ethnic minority areas. The Government was working to promote labour cooperation between ethnic minority areas and the developed coastal and inland areas in order to boost internal migration from ethnic minority areas, thus increasing the number of ethnic minority workers in more developed areas. Measures had also been implemented to further improve employment equality for all workers and inclusive employment policies for ethnic minorities. Labour inspection and market supervision had been tightened to prevent discriminatory practices and to protect the employment rights of ethnic minorities.

20. No statistics on employment and unemployment by ethnic group were available. However, the unemployment rate in the eight ethnic minority provinces and regions was lower than the national average.

21. China was a permanent member of the International Labour Organization (ILO) Governing Body and its national legislation explicitly prohibited forced labour. In November 2017, the Ministry of Human Resources and Social Security had organized a seminar, together with ILO, on the theme of ratification by China of the ILO Abolition of Forced Labour Convention, 1957 (No. 105), and work would continue in that direction. The Government would continue to study the possibility of ratifying the ILO Domestic Workers Convention, 2011 (No. 189), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

22. **Ms. Shen** Chunshan (China) said that the implementation of bilingual education in ethnic minority areas in China was a concrete measure to guarantee the right of ethnic minorities to receive education in their own language and enable them to master the commonly used language, so that every Chinese citizen could enjoy equal rights in political life and that minority students could participate in social life. In Xinjiang and Tibet, bilingual education was fully guaranteed in terms of bilingual teachers, curricula, textbooks and class time. Class time in ethnic minority languages and Mandarin was roughly the same during basic education. Experience had shown that bilingual education was conducive to better and faster development of ethnic minorities and was generally welcomed by them. It was not true that teaching in the Uighur language was prohibited in parts of Xinjiang or that bilingual education was aimed at replacing ethnic minority languages.

23. Chinese law clearly protected the use of minority languages, as was evidenced in nearly 40 laws and regulations. The National People's Congress and the Chinese People's Political Consultative Conference provided documents and simultaneous interpretation in Mongolian, Tibetan, Uighur, Kazakh, Korean, Yi and Zhuang. Nearly 200 radio stations broadcast in 25 minority languages. Ethnic minority languages were permitted to be used in the national college entrance examination.

24. **Ms. Niu** Hongli (China) said that rural health services in China, including in ethnic minority areas, had developed rapidly in recent years. Special funds had been allocated to maternal and child health-care facilities in ethnic minority areas and a programme was in place to reduce maternal mortality and eliminate neonatal tetanus. In addition, culturally sensitive pregnancy and health-care services had been set up in ethnic minority areas, and training on maternal and child health was being provided in Xinjiang and Tibet.

25. Pursuant to legislation enacted in 2007 and 2011, organ donation and transplantation in China was strictly regulated. As from 1 January 2015, all organ transplants from a deceased person had been voluntary donations and all living organ donations had come from relatives. The allocation of organs was based on scientific criteria, fairness and impartiality. Organs needed always to be traceable and severe measures were taken against illegal activities.

26. **Ms. Song** Xiue (China) said that the Criminal Procedural Law as amended in March 2012 incorporated provisions that better protected lawyers' rights to interview their clients, read case files and collect evidence. In September 2015, the Supreme People's Court and a number of line ministries had issued the Provisions on Securing the Right of Lawyers to Legal Practice According to Law, which clarified the general requirements for authorities to protect lawyers' right to practice law and provided for safeguard measures. In September 2016, the rules for debate during court trials were amended to ensure that the court fully heard the opinions of both the prosecution and the defence. In April 2018, the Supreme People's Court and the Ministry of Justice had circulated explicit instructions for authorities to allocate a reasonable amount of time for all parties to ask questions, raise challenges, represent themselves, debate and defend themselves, and to fully hear the opinions of lawyers. A rapid response mechanism to safeguard lawyers' right to practice had been instituted in April 2017. Since March 2017, the rights protection centres operated by local lawyers' associations across the country had received a total of 432 applications for protection of lawyers' rights, and 265 cases had been successfully resolved. Lawyers who violated professional ethics and discipline and committed crimes were punished the same as anyone who violated the law.

27. **Mr. Zhou** Huiyong (China) said that allegations of excessive use of force, torture, arbitrary detention and disappearance of members of ethnic minorities were not based on fact. The Government of China had consistently adhered to the principles of ethnic equality, solidarity, and common prosperity and development for all ethnic groups. As to the case mentioned in the 2015 concluding observations of the Committee against Torture, the Government had stated its position to that Committee at the time. It was untrue that Tashi Wangchuk had been sentenced for his comments on the protection of ethnic minority languages. He had been arrested on suspicion of inciting secession. On 22 May 2018, the Intermediate People's Court of the Yushu Tibetan Autonomous Prefecture had sentenced him to five years' imprisonment and deprived him of political rights for five years. The trial had been conducted in strict accordance with the law, in an impartial and independent manner, and the defendant's litigation rights had been fully guaranteed.

28. **Mr. Hu** Lianhe (China) said that citizens of the Xinjiang Uighur Autonomous Region, including the Uighurs, enjoyed equal freedom and dignity, economic and social rights and civil and political rights. The view that Xinjiang was a "no-rights zone" was not based on the facts. There were no re-education centres or counter-extremism training centres. To secure the lives and property of all ethnic groups, the Xinjiang Uighur Autonomous Region had undertaken special campaigns against violent terrorist activities in accordance with the law and had tried and imprisoned a number of criminals involved in the commission of severe offences. Individuals involved in the commission of minor offences were provided with education and assistance with a view to their rehabilitation and reintegration. Their legal rights were duly protected and they were not subjected to arbitrary

detention or ill-treatment. It was completely untrue that 1 million Uighurs were being detained in re-education centres.

29. Xinjiang guaranteed freedom of religious belief for its citizens and protection for normal religious activities. The legislative amendments that had been enacted had been intended not to violate the freedom of religious belief, but rather to better protect it. In that connection, the Regulations on Anti-Extremism of the Xinjiang Uighur Autonomous Region targeted religious extremism, not any one religion. There was no "de-Islamization" and no suppression of ethnic minorities or violations of the freedom of religious belief in the name of counter-terrorism.

30. China was a country in which the rule of law prevailed and in which religions were separate from the state power. It was prohibited to use religion to interfere with administration, justice, education, marriage or the social order. The wearing of masked robes, which were not Xinjiang ethnic costumes, was prohibited under local legislation — as it was in many other countries — both to protect ethnic customs and for purposes of anti-terrorism and anti-extremism.

31. Forces of terrorism, extremism and separatism had sought to undermine stability in Xinjiang since the 1990s. In response, the Xinjiang Uighur Autonomous Region had adopted measures to strengthen security, collect relevant information, prevent illegal activities, combat the spread of terrorist and extremist videos and recordings, and protect social stability; those actions had garnered the support of people of all ethnic groups.

32. Xinjiang was committed to opening up to the outside world and large numbers of people entered and exited its territory. Because terrorist, extremist and separatist forces tended to seize opportunities to help extremists sneak in and out of China to conduct sabotage activities, Xinjiang strictly enforced relevant entry and exit management measures in accordance with the law. The Exit and Entry Administration Law of the People's Republic of China protected the legal rights of law-abiding persons. Xinjiang, as an autonomous region, had the right to formulate requirements and regulations in line with local conditions. He wished to stress that the Government of China never linked terrorism with any specific ethnic group or religion.

33. The East Turkistan separatist forces based outside China had planned and carried out a series of violent terrorist activities aimed at the secession of Xinjiang. Those acts had seriously jeopardized social stability as well as the lives and property of people of all ethnic groups. Chinese law enforcement agencies engaged in international law enforcement cooperation with relevant States, submitted evidence of crimes, carried out repatriation work in an orderly manner and dealt with repatriated persons who had exited the country illegally in accordance with the law. Individuals who had been deceived by religious extremism or had been forced to leave the country were assisted through resettlement and education, while those suspected of leaving the country to participate in terrorist organizations and other criminals were punished in accordance with the law. Xinjiang guaranteed the legal rights of repatriated persons, and there was no torture, persecution or disappearance of such persons.

34. **Mr. Abudukeremu** (China) said that Xinjiang, which had been an integral part of China since ancient times, was a multi-religious area where, in recent years, economic development, prosperity and stability had been on the rise. A high number of university graduates were finding employment, and government assistance was provided to unemployed families. The number of tourists visiting the region had risen sharply. Infant mortality had decreased and average life expectancy had increased to 72 years. The number of hospital beds and doctors per 100,000 population was higher than the national average; and poverty levels had dropped significantly. Substantial changes, such as free medical care and free education from pre-school to secondary school, had brought benefits to all sectors of the population. The human rights of citizens of all ethnic groups were fully guaranteed.

35. **Mr. Luo** Dan (China) said that his native Tibet currently enjoyed sound and rapid growth, steadily improving living standards, progress and unity shared by all ethnic groups, as well as stable social law and order. Various religions coexisted in Tibet, including Tibetan Buddhism, Islam and Catholicism. There were nearly 1,800 religious sites and 46,000 registered monks and nuns. Large-scale religious activities were protected, such as

the Saga Dawa Festival, and many Tibetan cultural activities were promoted, such as the week-long Shoton Festival in Lhasa.

36. In July 2018, the Tibet Socialism College and the provincial culture department of the Tibet Autonomous Region had co-organized a class at which experts and scholars had delivered training on cultural industry, the protection of intangible cultural heritage and environmental protection. In 2014, more than 30 experts, scholars and officials from various countries had met in Lhasa for the first Tibet Development Forum to examine issues relating to sustainable development, the protection of Tibetan culture and environmental protection.

37. **Mr. Chan** Shui-fu (Hong Kong, China) said that human rights were fully protected in Hong Kong, China, under the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and the Hong Kong Bill of Rights Ordinance, among other legislation. The existing institutional structure, which included the Equal Opportunities Commission, supported the protection of those rights. The government's performance in defending human rights was subjected to public scrutiny through the regular reports submitted to the United Nations, the work of the media, the Legislative Council and various NGOs. Given that the existing institutions worked well, there was no need to establish an additional human rights institution that would duplicate the functions and work of existing human rights mechanisms.

38. The Equal Opportunities Commission was an independent statutory body and largely followed the Paris Principles in terms of independence, pluralism and powers of investigation. Its powers, functions and autonomy were protected by law and its members comprised representatives from various sectors. As to the Race Discrimination Ordinance, it was binding on the government and prohibited discrimination on the grounds of race in specified areas, including employment, education and the provision of goods or services. Section 27 of the Ordinance in particular prohibited the government and all public bodies from discriminating against persons in all government departments. The Commission had put forward 27 priority recommendations for the review of existing ordinances; by the end of 2018, eight of the priority recommendations would be taken forward, six of which pertained to the Race Discrimination Ordinance. A number of avenues were available for addressing discrimination-related complaints against public authorities, such as the Ombudsman and the Legislative Council.

39. **Mr. Liu** Dexue (Macao, China) said that the Commission against Corruption was an independent authority with criminal investigative powers. It also functioned as an ombudsman institution in protecting human rights and freedoms, safeguarding the interests of individuals and ensuring that public authorities operated in accordance with the law. The Commissioner was appointed by the Chief Executive in the latter's capacity as head of the Autonomous Region and not in exercise of the executive powers established under articles 61 to 66 of the Basic Law of the Macao Special Administrative Region of the People's Republic of China; he therefore exercised his ombudsman functions with independence and was not subject to any administrative or executive authority. The Commissioner maintained ties with the ombudsmen of other countries and regions through membership of the International Ombudsman Institute and the Asian Ombudsman Association. The independence, autonomy and mandate of the Commission against Corruption were therefore consistent with the Paris Principles.

40. The government of Macao, China, worked closely with NGOs in public affairs and actively encouraged NGOs to participate in human rights bodies established by the government, such as the Commission on Rehabilitation Affairs, the Committee for Senior Citizen's Affairs and the Commission for Women's Affairs. Their participation ensured transparency in the allocation of public resources, quality of services and direct participation of local communities in government affairs.

41. Freedom of expression was explicitly guaranteed under article 27 of the Basic Law and under ordinary law. The dissemination of racist material; incitement of racial discrimination, hatred or violence; and defamation on the grounds of race, colour or ethnic origin were expressly prohibited under a number of laws, including criminal legislation, Law 2/99/M on the freedom of association and the Press Law. Candidates to elected posts

were forbidden from inciting hatred or violence in their campaigns under articles 70 and 84 of Law 3/2001 as amended.

42. Judicial bodies had not received any complaints or issued any decisions related to racial discrimination. However, supervisory entities such as the Commission against Corruption and the Labour Affairs Bureau had received several complaints, the details of which were contained in the written replies to the list of themes. The fact that there were no court cases related to claims of racial or ethnic discrimination was a result of the Autonomous Region's cultural diversity and its society's deep-rooted respect for cultural differences and tolerance. Significant efforts had been made to disseminate human rights legislation, particularly labour legislation, given the high number of foreign workers in Macao, China. Free legal aid was available for those with insufficient financial resources. The new Law on the Legal Aid System guaranteed access to court proceedings for all persons, including refugees and foreign workers and students.

43. The Labour Affairs Bureau had been actively carrying out labour inspections, monitoring the compliance of employers and workers with labour laws and holding information sessions during which it disseminated labour legislation and information on complaint mechanisms available in the event of violations. ILO Conventions Nos. 29, 81 and 105 were already applicable in Macao, China.

44. The core international conventions on human trafficking were applicable in Macao, China, namely the Trafficking in Persons Protocol, ILO Convention No.182 on the worst forms of child labour and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Law 6/2008 criminalized trafficking in persons and established a comprehensive victim assistance and protection regime. The definition of human trafficking under Law 6/2008 covered all the elements prescribed in the Trafficking in Persons Protocol and broadened the scope to include human trafficking for the purpose of the sale of tissues and organs. A commission to follow up on the implementation of dissuasive measures against trafficking in persons had been established to ensure interdepartmental coordination and effective collaboration with NGOs.

45. Ethnic minority students were not segregated in the education system in Macao, China. The government had no policy for assigning students to specific schools and students were free to attend the school of their choice.

46. **Mr. Marugán** (Country Rapporteur) said that he would appreciate more information on the budgeting and resource allocation for implementation of the National Human Rights Action Plan. No response had been received in relation to how the Government could improve its collaboration with NGOs. He would like to know how many meetings the Government had held with NGOs, and with which NGOs in particular, when drafting the State party report. The Committee had received reports from civil society that there were only five registered international NGOs in China working with ethnic minorities; he would welcome information on how those NGOs were working to fight discrimination.

47. National laws in China did not specify what kind of actions constituted discrimination. He asked whether the State party would consider drafting a comprehensive anti-discrimination law and whether statistics were available on instances of racial discrimination in the areas of employment, education, health care and the judicial system. No surveys had been conducted on that subject and there was no information on how the Government followed up on and responded to such discrimination when it occurred.

48. The concept of separatism was not clearly defined in national laws. Information had been received stating that Tibetan and Uighur human rights defenders were often charged with separatism, terrorism and endangering State security. He would like to know what procedures were in place to protect those defenders from abuses that contravened the Convention.

49. In the absence of statistics on cases of hate crime, he wished to know what steps had been taken to support victims in reporting complaints and how the Government had verified that the scarcity of such complaints was not in fact a result of the lack of effective remedies.

the lack of public awareness of rights, the fear of reprisals or the lack of public confidence in the police. In Hong Kong, China, politicians during the previous election campaign had made inflammatory comments against ethnic minorities, particularly those from South-East Asia. He would like to know why there had been no government response to such incidents and why there had been no criminal charges faced by perpetrators of hate crimes against ethnic Mongolians.

50. He would welcome comment as to whether the State party intended to remove its two reservations to the Convention, namely the reservation of Hong Kong, China, to article 6 and the reservation of both Hong Kong, China, and Macao, China, to article 22. He was concerned about reports of the involuntary resettlement of nomadic herdsmen from ethnic autonomous areas into towns where they suffered ethnic discrimination. Could the delegation respond to his question on whether the State party would effectively and impartially investigate claims of torture perpetrated by public officials against ethnic minorities, including Tibetans and Uighurs?

51. **Ms. McDougall** said that more information from the delegation was needed to assure the Committee that the definitions contained in laws on national security did not result in the discrimination of ethnic minorities; a denial of allegations was not sufficient. She wished to know the specific number of Uighurs detained in Xinjiang; the legal provisions under which they had been detained; what investigations had been conducted in that regard and the number of Uighurs held in detention camps and re-education centres. She was concerned about reports from lawyers that some persons charged with terrorism or separatism had not been permitted to plead their innocence in a court of law; about the lack of transparency in revealing the verdicts of such cases; and about the case of Ilham Tohti, an Uighur scholar who was serving a life sentence on charges of separatism.

52. **Ms. Shepherd** said that she would welcome comments from the delegation on how the Government monitored the implementation of its education policies and how it evaluated the impact of such policies on the population. She was also interested to know how the State party intended to accelerate its teaching of Chinese to those who did not speak the language in order to avoid their segregation in schools; and how the Government would advise the parents of such students on where to send their children to school and how it would monitor the implementation of education language policies by teaching staff who lacked sufficient resources. She wished to know how the State party decided on the content of history education in schools and would welcome information on the content of the action plan adopted for the International Decade for People of African Descent.

53. **Mr. Cali Tzay** said that he wished to know how the State party would ensure that the road and rail networks planned in Tibet as part of the Belt and Road Initiative complied with its obligations under the Convention. In that regard, the delegation should comment on reports that land had been confiscated from Tibetan nomads in the name of environmental conservation but had subsequently been used for tourism, hydro-power and mining projects that were clearly harmful to the ecology of the region. Drawing attention to an article that had appeared in the Global Times on 23 July 2018, he asked whether the notices that had been sent to parents and students forbidding religious activity during vacation periods respected freedom of religion in Tibet and were in keeping with article 5 of the Convention and the Convention on the Rights of the Child.

54. **Mr. Murillo Martínez** said that, in view of the role of China as a technological pioneer, he wished to hear the delegation's comments on reports that some communities and groups were being targeted by practices that relied on facial recognition and artificial intelligence. He wondered whether the Government planned to implement measures such as perception surveys to evaluate the impact of racism and racial discrimination and whether public sector workers received online training on those issues.

55. **Mr. Avtonomov**, referring to the briefings organized by the Legal Affairs Bureau of Macao, China, in 2013, on issues such as trafficking and the rights of domestic and migrant workers, said that he would like to know whether any more recent initiatives had been organized for the benefit of those workers. Considering that the Labour Inspection Department had only received one complaint of discrimination on the grounds of race,

colour or ethnicity in the period 2012–2015, he wondered whether awareness-raising activities were needed to encourage reporting.

56. **Ms. Mohamed** said that the questions she had asked of the delegation had not been answered in proper detail. Noting that the government of the Xinjiang Uighur Autonomous Region had passed legislation on reporting that specifically targeted Muslims, she wished to know the specific definition of the offence of "extremism" under which Uighurs had been arrested and convicted.

57. **Ms. Izsák-Ndiaye** said that the Committee would appreciate information concerning the status of the comprehensive draft law on refugees that had been prepared in 2008 but never adopted. Noting that China had so far incorporated only a few of the provisions of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, she asked whether the State party planned to develop a road map for the establishment of a national mechanism for refugee status determination, together with provisions on who qualified for refugee status and how applications should be made. In view of the Government's position that citizens of the Democratic People's Republic of Korea who illegally entered China did so for economic reasons, and the argument of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea that many of that country's nationals were fleeing persecution, she questioned how the truth could be ascertained in the absence of a body responsible for refugee status determination. She urged the State party to extend international protection to persons from the Democratic People's Republic of Korea who required it and to provide the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations with full and unimpeded access to those individuals. She would also welcome further information on statelessness and on the tens of thousands of stateless children who were unable to access education, health care or basic rights.

The meeting was suspended at 12.25 p.m. and resumed at 12.40 p.m.

58. **Ms. McDougall** said that she would be grateful for a detailed answer to the questions she had raised previously, concerning the lives of people in detention or "re-education camps" and students who had either returned voluntarily or had been deported from their host country. In particular, the Committee would appreciate a list of the names and current status of such individuals. She was concerned about representation, since persons from minorities were reportedly subject to discriminatory practices and held few positions of influence, for instance, within the Communist Party of China. She would also welcome information about the religious extremism laws, including the definitions of extremism, separatism and other charges brought against detainees, and statistics on the number of persons detained and the charges they faced. Lastly, she asked whether the State party might make an important goodwill gesture by providing further information to the Committee about the situation of the Uighur scholar Ilham Tohti, who had been given a life sentence on charges of separatism and who was reportedly ill, and by considering that his situation would be improved if he were transferred to Beijing.

59. **Mr. Xu** Hong (China) said that, despite the time constraints, his delegation had responded to many of the questions raised. He invited the Committee members to read the written information provided and expressed the hope that they would have the opportunity for further exchanges with China in the future, including the possibility of field visits to the country.

60. The Government had invested massive resources and effort in consistently pursuing objectives that included the development and prosperity of ethnic minorities and the defence of their rights. The rapid development of the multi-ethnic provinces and regions had allowed many people to rise out of poverty in north-west China and should not be overlooked, since combating poverty was a significant aspect of the Government's implementation of the Convention and the defence of ethnic minorities' rights.

61. Regarding the definition of racial discrimination and the establishment of a national human rights institution, the Government took the view that it should be clear about its objectives when implementing the Convention, considering that all States faced different problems to which there was no standard solution. The Government would study the questions raised about refugee laws and the participation of China in international

conventions, including the matter of reservations, and would develop its position on those issues.

62. Notwithstanding the Committee's willingness to learn more about the efforts of China, he wished to express the concern that some members had given credence to unsubstantiated information. It was widely known that the Committee had received materials from certain political organizations that openly denied the State party's sovereignty and sought to break up the country. Not only did such organizations have connections with terrorist groups, their accusations carried obvious political intentions and were not consistent with the facts. While the Government was ready to engage with the Committee in constructive dialogue to promote the implementation of Convention, it considered that such a dialogue must be based on the principle set forth in the Charter of the United Nations on respect for State sovereignty and territorial integrity. Furthermore, he noted that the Committee, in its general recommendation No. 21 on the right to self-determination, expressed the view that "international law has not recognized a general right of peoples unilaterally to declare secession from a State". In short, the Government hoped that the Committee would be careful in screening unsubstantiated materials produced by political groups, so that it might perform its duties in a fair and objective manner.

63. **Mr. Chan** Shui-fu (Hong Kong, China), responding to questions asked by Mr. Marugán and Ms. Shepherd, said that the written replies provided by his government included detailed information on the situation concerning hate crimes and on the implementation, evaluation and impact of education in Hong Kong, China.

64. **Mr. Kut** (Follow-up Coordinator) said that he was disappointed that many of the delegation's answers had been defensive and had dismissed some of the Committee's questions as baseless. The Chinese delegation surely did not think that a body of experts such as the Committee would believe lies or repeat them in a dialogue with the delegation; nor did he believe that the delegation had travelled to Geneva only to claim that no action needed to be taken. He regretted that the discussions had not been more fruitful, which would have been to the benefit of the Chinese people.

65. **The Chair** said that he was grateful to civil society and to the delegation for their contributions to the dialogue. He stressed that the Committee was not a political body or a court of justice and that it performed its functions exclusively on the basis of the legal provisions set forth in the Convention. Those functions could not be substituted or assimilated by any other body, since the moral and legal responsibility for implementing the Convention had been conferred upon the Committee by the States parties to the Convention.

66. **Mr. Marugán** said that he would be grateful if the State party could submit written information in response to reports that Uighur detainees, including Buzainafu Abudourexiti, Ilham Tohti and the relatives of Gulchehra Hoja and Rebiya Kadeer, had been held incommunicado for prolonged periods. Information might also be provided about the case of Tenzin Delek Rinpoche, a monk who had died in prison in 2015 in uncertain circumstances. He would appreciate an indication of whether China planned to facilitate the establishment of an independent mechanism to investigate all custodial deaths, disappearances and allegations of torture, ill-treatment and use of excessive force in the Tibet Autonomous Region, in its neighbouring prefectures and counties, and in the Xinjiang Uighur Autonomous Region. Lastly, he wondered whether further explanation might be provided in respect of recent efforts to reform the national household registration system (*hukou*), which reportedly had not delivered substantial positive changes for rural migrants, including ethnic minorities.

67. **Mr. Xu** Hong (China) said that his delegation had participated in the dialogue with an open, cooperative, responsible and professional attitude. Although not all members of the Committee had been satisfied by the answers given, he believed that the Government would be willing to provide further information, provided that the questions pertained to matters within the Committee's mandate and were based on facts. Eliminating racial discrimination was a daunting task facing the whole of the international community. China continued to attach importance to cooperation with the Committee and would work

conscientiously to implement the Convention and to improve the enjoyment of human rights.

The meeting rose at 1.10 p.m.